



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

im

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,746	01/22/2002	Li Chi Sang	6453	3568

7590 08/19/2003

Samules, Gauthier, Stevens LLP  
Suite 3300  
225 Franklin Street  
Boston, MA 02110

EXAMINER

VORTMAN, ANATOLY

ART UNIT PAPER NUMBER

2835

DATE MAILED: 08/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/054,746

Applicant(s)

SANG ET AL.

Examiner

Anatoly Vortman

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-15 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

*Amendment*

1. The submission of the Amendment filed on 07/07/03 (paper #6) is acknowledged. At this point claims 5 and 9 have been amended and new claims 11-15 have been added. Thus, claims 1-15 are pending in the instant application.

*Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 6, are rejected under 35 U.S.C. 102(b) as being anticipated by US/4,363,016 to Unger.

Regarding claim 1, Unger disclosed (Fig. 1, 2, 4B) a circuit breaker switch comprising:  
a rocker (24) that is positionable between a first on position and a second off position; an actuator element (18) that is coupled to the rocker (24) such that it causes a first electrically conductive contact portion (21) to move into contact with a second electrically conductive contact portion (20) when said rocker (24) is in the on position (Fig. 1); and

a dielectric separator element (80) that is urged between the first (21) and second (20) electrically conductive contact portions in the event of excess current being passed between the first (21) and second (20) conductive contact portions (column 5, lines 54+), (Fig. 2).

Regarding claims 2 and 3, Unger disclosed a trip indicator (58) that is coupled to said dielectric separator element (80) such that said trip indicator (58) provides a visual indication that said dielectric separator element (80) has moved in the event of excess current being passed between the first and second electrically conductive contact portions (21, 20), wherein switch may be reset by depressing said trip indicator (58).

Regarding claim 4, Unger disclosed that said actuator element (18) causes the first electrically conductive contact portion (21) to move into contact with the second electrically conductive contact portion (20) by being forced between the first electrically conductive contact portion (21) and an inner wall (31) of a switch housing (11).

Regarding claim 6, Unger disclosed that said dielectric separator (80) is urged between the first (21) and second (20) electrically conductive contact portions, at least in part, by a bias spring (25) that urges said dielectric separator element (80) against the second electrically conductive contact portion (20).

*Allowable Subject Matter*

4. Claims 7-15 are allowed.

Art Unit: 2835

5. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 5, the claim as amended recites: “a bimetallic element that urges the second electrically conductive contact portion to move away from the first electrically conductive contact portion”. The aforementioned limitations in combination with remaining limitations of claim 5, are believed to render said claim 5 patentable over the art of record.

Regarding claims 7-9 and 11-15, the claims are allowed, at least in part, because independent claim 7 recites: “an actuator element...causes a first electrically conductive contact portion to move in a first direction” and “said second electrically conductive contact portion being mounted on a bimetallic element”.

The aforementioned limitations in combination with remaining limitations of claim 7, are believed to render said claim 7 and, subsequently dependent claims 8, 9, and 11-15 patentable over the art of record.

Regarding claim 10, the claim recites: “said second electrically conductive portion to move away from said first electrically conductive portion”. The aforementioned limitations in combination with remaining limitations of claim 10, are believed to render said claim 10 patentable over the art of record.

***Response to Arguments***

Art Unit: 2835

7. Applicant's arguments filed on 07/07/03 regarding claims 1-4 and 6 have been fully considered but they are not persuasive. Claims read on Unger ('016) reference as clearly and explicitly shown in the rejection. If Applicant wishes to claim around the reference, the appropriate amendment should be made to the claims in order to explicitly articulate the difference between the present invention and Unger ('016) device.

Regarding claim 10, the Applicant's arguments have been found persuasive, therefore the previous rejection hereby withdrawn.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2835

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anatoly Vortman whose telephone number is 703-308-7824.

The examiner can normally be reached on Monday-Friday, between 9:30am and 6:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Darren Schuberg can be reached on 703-308-4815. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

Anatoly Vortman  
Primary Examiner  
Art Unit 2835



A.V.